

Not Published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

NO. 16-3531

LISA MILTENBERGER,

PETITIONER,

V.

ROBERT A. McDONALD,
SECRETARY OF VETERANS AFFAIRS,

RESPONDENT.

Before PIETSCH, *Judge*.

ORDER

*Note: Pursuant to U.S. Vet. App. R. 30(a),
this action may not be cited as precedent.*

On October 19, 2016, Ms. Miltenberger filed, through counsel, a petition for extraordinary relief in the nature of a writ of mandamus. The petitioner alleges that VA has not proceeded expeditiously in adjudicating claims for service-connected disability compensation for diabetes mellitus, Type II, and multiple myeloma, following this Court's approval of a joint motion for partial remand (JMPR) in March 2014 with respect to her late husband, Clyde W. Miltenberger. *See* Case Number 12-1096. She asserts that she has been properly substituted by VA on her deceased husband's claims. She further asserts that, although the Board of Veterans' Appeals remanded the claims in February 2015 for further evidentiary development (in accordance with the JMPR), no action has been taken on the claims since that time. She states that, despite her communication to VA through counsel on several occasions, most recently in August 2016, VA has arbitrarily refused to adjudicate the claims.

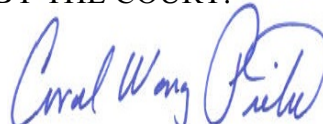
Upon review of the argument provided by the petitioner, the Court will direct the Secretary to respond to the petition.

Upon consideration of the foregoing, it is

ORDERED that the Secretary respond to this petition not later than 21 days after the date of this order.

DATED: October 28, 2016

BY THE COURT:



CORAL WONG PIETSCH
Judge

Copies to:

Maxwell D. Kinman, Esq.

VA General Counsel (027)